

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COURTNEY BURTON,

Petitioner,

-v-

9:21-CV-736

WOLCOTT,

Respondent.

APPEARANCES:

OF COUNSEL:

COURTNEY BURTON

Petitioner, Pro Se

17-B-3514

Attica Correctional Facility

Box 149

Attica, NY 14011

HON. LETITIA JAMES

New York State Attorney General

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MARGARET A. CIEPRISZ, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On June 28, 2021, *pro se* petitioner Courtney Burton (“petitioner”), an inmate in the custody of the New York State Department of Corrections and Community Supervision (“DOCCS”), filed this habeas corpus action pursuant

to 28 U.S.C. § 2254. Dkt. No. 1. Briefly stated, petitioner challenges his 2017 judgment of conviction in Onondaga County for, *inter alia*, second-degree attempted murder. *Id.* Thereafter, respondent was directed to file and serve an answer to the petition and to provide the Court with the relevant state-court records. Dkt. No. 5. Respondent has answered, Dkt. No. 14, and filed the appropriate state-court records, Dkt. No. 15.

On December 7, 2021, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation (“R&R”) that the petition be denied and dismissed. Dkt. No. 35. Neither party has filed any objections, and the time period in which to do so has expired, *see id.* However, petitioner has moved for a certificate of appealability. Dkt. No. 36.

Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b). Plaintiff’s letter request for a certificate of appealability will be denied.

Therefore, it is

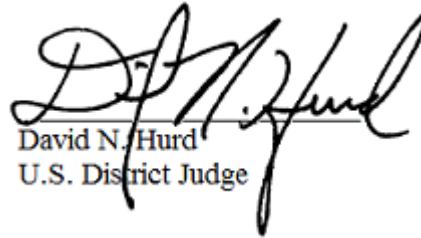
ORDERED that

1. The Report & Recommendation (Dkt. No. 35) is ACCEPTED;
2. The petition is DENIED and DISMISSED;
3. Petitioner’s motion for a Certificate of Appealability (Dkt. No. 36) is DENIED; and

4. Any further request for a Certificate of Appealability must be addressed to the U.S. Court of Appeals for the Second Circuit in accordance with Rule 22(b) of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

Dated: June 26, 2024
Utica, New York.



David N. Hurd
U.S. District Judge